

APPENDIX O

INSTRUCTIONS FOR CONDUCTING ISSUE RESOLUTION CONFERENCES/IN-PROGRESS REVIEWS FOR FEASIBILITY AND POST AUTHORIZATION STUDIES AND REPORTS

O-1. Purpose. This appendix describes procedures and requirements for convening Issue Resolution Conferences/In-Progress Reviews (IRC's/IPR's) for implementing Washington level review of feasibility and post authorization studies and reports generally covered in ER 1105-2-100. Specifically discussed are conduct of three mandatory conferences, the Reconnaissance Review Conference (RRC), the Feasibility Scoping Meeting (FSM) and the Feasibility Review Conference (FRC), and one optional conference, the Alternative Formulation Briefing (AFB).

O-2. Background

a. Issue Resolution Conferences (IRC's) and In-Progress Reviews (IPR's) - The primary objective of an IRC is to discuss and resolve policy issues to ensure the study progresses in an orderly manner and that preparation of a final report is not delayed. Two IRC's that are required near the end of each phase of the study process are the RRC and the FRC. The RRC is held following the completion of a Reconnaissance Study to resolve issues related to the findings in the Reconnaissance Report or Section 905(b) Analysis and the Project Study Plan (PSP) and reach an agreement on the scope of the feasibility study. The FRC is held following the completion of a draft feasibility report to resolve policy concerns and provide guidance for preparation of the final feasibility report and/or P&S. IPR's can be held at any point in time during the study process to provide an update of study findings and progress, identify potential problems (technical/policy), and document decisions. The FSM and the AFB are two examples of IPR's. An IRC/IPR other than those specified above may be held at the request of the district or division whenever to issues have been identified that require resolution in order for the study to proceed efficiently. The district should strongly encourage the non-Federal sponsor to participate in all IRC's/IPR's.

b. Reconnaissance Review Conference. The primary objectives of the RRC is to discuss the draft negotiated PSP and required modifications. The outcome of the RRC will be an agreement among the district, division, Headquarters and non-Federal sponsor(s) on the scope of the feasibility study, distribution of work tasks, schedule and study costs. The revised PSP will guide the conduct of the feasibility study.

c. Feasibility Scoping Meeting. To ensure that feasibility and general re-evaluation studies are focused and tailored to meet specific objectives, an FSM will be convened early in the feasibility study. The FSM will bring the Headquarters, division and district staffs, the non-Federal sponsor, and resource agencies together to focus the feasibility study on key alternatives, to further define the depth of analysis required and to refine study/project constraints. Accordingly, the PSP developed during the reconnaissance phase may require revision to document changes agreed to at the FSM. The revised PSP will then form the basis for subsequent conduct and review of the feasibility report.

d. Alternative Formulation Briefing (AFB). The alternative review process was established to save time and costs in the preparation and review of feasibility and general reevaluation reports, and to facilitate early Washington level acceptance of the plan formulation. This process separates the review of the project from the review of the report by preceding the review of the draft report with an AFB. The AFB will be scheduled when the district is ready to present the formulation of alternatives and identify the NED plan and the tentatively selected plan. The Washington level participants will seek to confirm that the plan formulation and selection process, the identified preferred plan, and definition of Federal and non-Federal responsibilities, conform to current policy guidance. The goal is to identify and resolve any policy concerns that would otherwise delay or preclude approval of the draft report, and thus provide an opportunity for the district to make necessary adjustments prior to submitting the draft report. If identified policy concerns are sufficiently resolved at the AFB, the AFB Guidance Memorandum will instruct the District to submit the draft report for Washington level policy compliance review concurrent with public release of the draft EIS/EA. This will allow the district to save the time required for sequential policy compliance and public reviews, including potential revision/review iterations frequently needed to achieve an acceptable report. The AFB is not mandatory; however, districts are encouraged to hold one whenever they are uncertain that projects have been formulated in accordance with policy and that the recommended plan to be presented in the draft report will have Army support. In carrying out its quality assurance role, the division may decide that an AFB is needed for a particular study.

e. Feasibility Review Conference. The FRC was established for several specific purposes. First, it is critical to the partnership arrangements resulting from cost sharing reforms to provide the non-Federal project sponsor with as much assurance as possible, early in the process, of what the Army position on a proposed project would likely be. Second, the FRC provides a mechanism to facilitate Washington level review of the results and recommendations of the study prior to completion of the final feasibility report. The follow-up Project Guidance Memorandum (PGM) provides the district commander and the non-Federal sponsor assurance that the recommended project would most likely receive Army support if the final report is completed in accordance with the PGM.

O-3 Timing of the IRC's/IPR's. When an IRC/IPR is to be scheduled, the appropriate CECW-P regional branch should be contacted to discuss a range of proposed dates for holding the conference.

CECW-P will confirm the acceptability of the final date with other Washington level offices. The following criteria will be met:

a. Reconnaissance Review Conference. The district should convene a RRC upon completion of the draft negotiated PSP and FCSA and after approval of the Section 905(b) Analysis (or Reconnaissance Report in the case of granted exemptions).

b. Feasibility Scoping Meeting. The district should convene a FSM soon after the NEPA scoping process and the preliminary plan formulation and evaluation has been accomplished and the district is prepared to focus and tailor the feasibility study on key alternatives, to further define the depth of analysis required and to refine study/project constraints.

c. Alternative Formulation Briefing. An AFB should be convened when the district is prepared to present the results of the alternative formulation, evaluation and comparison process and has identified the NED Plan and the tentatively selected plan. Specific items for discussion at the AFB are the complete array of alternatives, cost estimates, benefit analyses, and mitigation and real estate requirements and costs.

d. Feasibility Review Conference. The FRC will be held prior to release of the draft report to the public if an AFB is not convened. If an AFB is convened CECW-P could waive the requirement for the FRC if significant Washington-level concerns were resolved. An FRC may still be required after public review if warranted by policy compliance review concerns or if significant issues arise during public review.

O-4. Technical Review. For all of the above IRC's/IPR's the district should have completed and documented technical review appropriate to the current level of the study. To the extent possible, technical issues should be resolved prior to the IRC's/IPR's.

O-5 Pre-conference Activities. Pre-conference material along with the original transmittal letter will be forwarded to HQUSACE (Att.: CECW-P). For the FSM, the AFB and the FRC, two copies of pre-conference material will be forwarded to CECW-P and ten copies will be forwarded directly to CECW-AR. The transmittal letter will identify and discuss any policy issues requiring resolution and/or significant or potential issues that the division/district believes could affect the outcome of the project. Copies of previous guidance memoranda, the compliance guidance memorandum, the latest PSP and the technical review documentation should be enclosed. Districts and divisions are encouraged to use electronic mail, whenever possible, for the transmittal of conference materials (i.e., policy compliance memorandums, responses to comments, etc.). Due to current system limitations, transmittal of draft and final reports by electronic mail is not recommended.

a. Reconnaissance Review Conference. Five copies of the draft negotiated PSP and FCSA will be forwarded to HQUSACE (ATT.: CECW-P) at least 21 calendar days before the conference. CECW-P will provide comments to the district at least 7 calendar days before the meeting. Submittal of the draft FCSA is not required if it does not deviate from the model agreement.

b. Feasibility Scoping Meeting. Pre-conference materials should include, as a minimum, a description of existing conditions and assumptions for without project conditions, results of initial public involvement, a discussion of problems and opportunities, identification of specific planning objectives and constraints, a description of applicable management measures and preliminary plans and the evaluation of preliminary plans.

c. Alternative Formulation Briefing. Pre-conference material should include pertinent information such as key assumptions, base conditions, without project condition, alternative plans, economic and cost data, environmental considerations, etc. The pre-conference documentation will address the general evaluation guidelines presented in Table 2-1 of ER 1105-2-100. Attachment 1 is a checklist of items that will be included, as a minimum, in the pre-conference material. The pre-conference material should also document how concerns identified in the reconnaissance guidance memorandum and PSP were addressed. The district should submit documentation of technical review

to the Washington level with the pre-conference materials. Although technical review will not have been completed, a status report discussing significant technical review concerns and how these concerns will be resolved must be provided as part of the AFB pre-conference material. If the draft report is available, that report will serve as pre-conference documentation. CECW-P will provide the division with any Washington level review comments within 35 calendar days after receipt of the pre-conference documentation at HQUSACE. The AFB will be held after receipt of HQUSACE comments.

d. Feasibility Review Conference. The draft report will serve as pre-conference documentation. The pre-conference documentation must also include the compliance guidance memorandum for the most recent IRC/IPR. The district should submit documentation of technical review to the Washington level with the pre-conference materials. Although technical review will not have been completed, a status report discussing significant technical review concerns and how these concerns will be resolved must be provided as part of the FRC pre-conference material. CECW-P will provide the division with Washington level policy review comments within 35 calendar days after receipt of the pre-conference documentation at HQUSACE. The district will provide responses to CECW-P 5 calendar days prior to the FRC for assessment by the policy compliance review team. The Washington level review comments and district responses will form the basis for a guidance memorandum that will be developed at the conference.

O-6. Conduct of the IRC's/IPR's.

a. The IRC's/IPR's will be chaired by the Division Planning Office. The ranking member of the HQUSACE Planning Division will be chairperson of the HQUSACE contingent. In order to identify and resolve as early as possible any impediments to efficient delivery of the project to the sponsor, the IRC's should be structured to encourage the surfacing and discussion of concerns, and development of consensus on resolution of issues.

b. The sponsor and appropriate Federal and State agencies should be encouraged to participate fully in all discussions.

c. The district participants in the IRC's should be prepared to address the policy issues raised by Washington level review.

d. Discussions and required actions will be recorded and will be the basis of the draft guidance memorandum developed at the conference.

e. A project site visit should be part of the AFB or FRC, unless there are extenuating circumstances. The project site visit should be supplemented with a general overview of the tentatively selected plan and study area at the start of the field trip. If a site visit is not practical, slides and/or a video shall be presented.

f. In cases where Washington level review of the Reconnaissance Report or Section 905(b) Analysis and the PSP do not result in significant concerns and subject to an agreement among all the parties involved, the RRC process can be conducted via electronic mail and/or telephone

conferences.

O-7 Post Conference Documentation. CECW-P will be responsible for finalizing the guidance memorandum drafted at the IRC's/IPR's. The final guidance memorandum for revising the PSP or preparation of the draft or final report will be transmitted to the division office within 14 calendar days of the IRC/IPR. If a RRC or FSM is held, the guidance memorandum will be used to revise the PSP to incorporate the changes agreed to at the meetings. The revised PSP, as a result of the FSM or other IRC's/IPR's, will be followed during the conduct of the feasibility study and will be a primary tool for the review of subsequent products (AFB pre-conference documentation, draft or final report). If an AFB is held, the guidance memorandum describing the issues discussed and their resolution will be used by the district to complete all required detailed analyses and prepare the draft feasibility report/NEPA document. The district will be responsible for ensuring that concerns identified in the AFB guidance memorandum are addressed in the draft report. Subject to CECW-P approval stated in the AFB guidance memorandum, the draft feasibility report/NEPA document will be distributed for the required 45-day public review concurrent with transmittal of the draft report and a compliance guidance memorandum to HQUSACE for Washington-level review. If an AFB is not held, the draft report will not be distributed for public review until HQUSACE reviews it and issues the PGM approving its release.

ATTACHMENT 1
CHECKLIST FOR ITEMS TO BE ADDRESSED IN PRE-CONFERENCE DOCUMENTATION^{1/}
FOR ALTERNATIVE FORMULATION BRIEFING

1. Study Background:
 - Location
 - Problems
 - Key assumptions
 - Base conditions (existing and future without project conditions)
2. Alternative plans
 - Evaluation of alternatives
 - Descriptions
 - Costs
 - Benefits
 - Environmental considerations
 - Identification of the NED plan
 - Tentative recommended plan
3. Policy issues or questions
4. Status of NEPA documentation
5. Technical review documentation
6. Status of legal review certification
7. Status of engineering appendix
8. Status of real estate plan
9. Identification of environmental mitigation requirements
10. Study/project schedule with milestones and completion dates
11. Status of MCACES cost estimate
12. Guidance memorandum from most recent IRC/IPR
13. Compliance guidance memorandum from most recent IRC/IPR
14. Latest version of PSP
15. Status of study sponsor support

^{1/} The documentation should include but is not limited to the above items.